

Applicant : William L. Bowden et al.
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fee paid

For the claims to be restricted to different species, the claims **must** be mutually exclusive.
The MPEP is instructive for providing a general test to determine mutual exclusivity:

The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first. This is frequently expressed by saying that claims to be restricted to different species must recite the mutually exclusive characteristics of such species. (See MPEP 806.04(f))

Here, the test for proper species restriction is not satisfied. Claim 8 recites a limitation (i.e., ethylene carbonate) not recited in claim 1. But, claim 1 does not recite any limitations not recited in claim 8. Thus, the claims are not mutually exclusive, and restriction to different species is improper.

Applicants request that claims 1-17 be examined.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: August 29, 2003

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